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VIA EMAIL and ECF (ALCarterNYSDChambers@nysd.uscourts.gov)

Hon. Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, New York 10007

Re: *Hernandez v. The Fresh Diet et al.*, 12 CV 4339 (ALC)(JLC)
***Hernandez v. The Fresh Diet et al.*, 15 CV 1338 (ALC)**

Dear Judge Carter:

We represent the Plaintiffs in the above-referenced employment action for unpaid overtime and retaliation pursuant to the FLSA and NYLL. We write to update the Court on settlement negotiations and the overall status of the above-referenced matters. The parties have now engaged in three (3) separate days of settlement negotiation and/or mediation and each effort has failed to result in a settlement. The first two (2) efforts were made with Judge Cott and the third was through the mediation program. After the mediation, efforts to develop a plan toward settlement have not been productive. From what little we can glean from Defendants counsel, the parties are too far apart to conceive that settlement will be achievable. Accordingly, we respectfully request that the Court schedule a pre-trial conference with respect to 12 CV 4339 and a preliminary conference for 15 CV 1338.

Respectfully submitted,



Walker G. Harman, Jr.

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